

**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 21st day of March 2023, the City Council convened in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

PRESENT:

Richard Westerman	Mayor
Dave Rhodes	Mayor Pro-Tem
William (Dee) Haddock	Councilmember
Lauren Haltom	Councilmember
Griff Morris	Councilmember
Reed Norman	Councilmember
Bryan Walker	Councilmember

ABSENT: None

STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Christina McDonald	City Secretary
Patty Akers	City Attorney
Jeff Lazenby	Director of Finance
Jeff Prato	City Engineer
Trisha Ratliff	Assistant Chief of Police
Christian Fletcher	Executive Director EDC
James Kennedy	Public Works Director
Jay Everett	Assistant Public Works Director
Angel Alvarado	Director of Human Resources
Lacey Dingman	Director of Parks and Recreation

VISITORS: Nathan Bush (Daily Trib), John Packer (708 Lakeshore Drive), John Davis (Council Candidate), Karlee Cauble (Council Candidate), Amanda Rose (Marble Falls Public Library), Jo Karr Tedder (Central Texas Water Colation), Stan Hemphill (Burnet Central Appraisal District), Russ Roper, Steve Brown, PE (Consultant), Tempe Fox, Andrew Friedman (SAMCO), Anna Reitz (1010 Lakeshore Dr.), Dale Gray and Sam Shorter (Miller Gray), Josie Ramirez and Dean Randle (Marble Falls Library Board Member), Will Derne, Josh Robles, Nash Mock (Trihydro),

- 1. CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT** Mayor Westerman called the meeting to order at 6:00 pm and announced the presence of a quorum.

2. **INVOCATION.** Councilmember Norman gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.**
Councilmember Haddock led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Update from the Central Texas Water Coalition.** Jo Karr Tedder, President provided the update.
 - **Update from the Burnet Central Appraisal District.** Stan Hemphill, Chief Appraiser gave the update.
 - **Update from the Marble Falls Public Library.** Amanda Rose, Director provided an update on library services and events, followed by Kate Gravo (Children’s Librarian).
 - **Comprehensive Plan Update.** Kim Foutz, Director of Development Services gave an update on the Comprehensive Plan update process, community open house and survey.
5. **CITIZEN COMMENTS.** John Packer (resident 708 Lakeshore Drive), Tempe Fox and Steve Brown, PE (Consultant) all addressed Council regarding the property built at 908 Lakeshore Drive (Will Brust property) and issues regarding the builder unknowingly building in the floodplain and therefore not being able to obtain a certificate of occupancy from the City. They asked the City to do the right thing and admit some responsibility in the oversight and issue the occupancy certificate. Mr. Brown consultant also addressed Council regarding floodplain maps and the 2018 flood. Ms. Fox and Mr. Packer noted that since the issue, the City has changed permitting policies and now requires an elevation certificate for such properties prior to the issuance of permits.
6. **CONSENT AGENDA.**
 - (a) **Approval of the March 7, 2023 meeting minutes.**
 - (b) **Approval of Resolution 2023-R-03A authorizing the publication of a Notice of Intention to Issue “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023A”, in an aggregate principal amount not to exceed \$995,000.**
 - (c) **Approval of Resolution 2023-R-03B authorizing the publication of a notice of intention to issue “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023B”, in an aggregate principal amount not to exceed \$1,650,000.**
 - (d) **Approval of Resolution 2023-R-03H authorizing the publication of a Notice of Intention to Issue “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023C”, in an aggregate principal amount not to exceed \$1,020,000.**

- (e) Approval of Resolution 2023-R-03G declaring the City of Marble Fall's official intent to finance expenditures to be incurred by the City.
- (f) Approval of Resolution 2023-R-03C suspending for 45 days the effective date proposed by Atmos Energy-Mid-Texas Division (Atmos-MidTex) in its application filed on or about February 24, 2023, pursuant to Section 104.301 of the Gas Utility Regulatory Act.
- (g) Approval of Resolution 2023-R-03D authorizing the submission of an application for the 2023/2024 TxCDBG Community Development Fund Grant.
- (h) Approval of Resolution 2023-R-03E authorizing signatories for the 2023/2024 TxCDBG Community Development Fund Grant application and future grants administered through the Texas Department of Agriculture (TDA) Go Grants.
- (i) Acceptance of an Interlocal Cooperation Agreement Between the City of Marble Falls and Burnet County for Jail Services.
- (j) Approval of Resolution 2023-R-03F appointing the election judges for the May 6, 2023 General Election.
- (k) Acceptance of the FY 2023/2024 Budget Calendar.
- (l) Approval of award for Bond Counsel professional services for the preparation of Texas Water Development Board (TWDB) financing for the Wastewater Treatment Plant Expansion Equipment and Purple Pipe projects and authorize the City Manager to execute the contract.
- (m) Approval of award for Financial Advisor professional services for the preparation of Texas Water Development Board (TWDB) financing for the Wastewater Treatment Plant Expansion Equipment and Purple Pipe projects and authorize the City Manager to execute the contract.

Councilmember Haddock made a motion to approve the consent agenda. The motion was seconded by Councilmember Norman and carried by a vote of 7-0.

7. REGULAR AGENDA.

- (a) Discussion and Action on Ordinance 2023-O-03A regarding the intent to annex into the City Limit 495.62 acres of land, more or less, out of the A.H. Bean Survey No. 77, Abstract No. 137, and the G. Flores Survey No. 7, Abstract No. 304, and including 34.661 acres of U.S. Highway 281 right-of-way, located east of US 281, south of State Highway 71. Kim Foutz, Director of Development Services addressed Council. Mayor Pro-Tem Rhodes made a motion to act favorably on Ordinance 2023-O-03A. The motion was seconded by Councilmember Norman and carried by a unanimous vote (7-0).

Mayor Westerman opened agenda items 7(b) and 7(c).

- (b) **Discussion and Action on the approval of a contract to purchase the Capstone Water Asset System and authorize the City Manager to execute the contract.** Caleb Kraenzel, Assistant City Manager addressed Council. Councilmember Walker made a motion to approve the contract for the purchase of the Capstone Water asset system and authorize the City Manager to execute the contract. Mayor Pro-Tem Rhodes seconded the motion. The motion carried by a vote of 7-0.
- (c) **Discussion and Action on the approval of a Professional Services Agreement with MILLER GRAY LLC, Austin, Texas, in the amount of \$82,960.00 to provide a technical evaluation of the Capstone Water System along with a general evaluation of developing groundwater sources in the southern area of Marble Falls.** Jeff Prato, City Engineer presented the agreement to Council. Councilmember Haddock moved to approve the agreement as presented and authorize the City Manager to approve the agreement. Mayor Pro-Tem Rhodes seconded the motion. The motion carried by a vote of 7-0.
- (d) **Discussion and Action on the approval of a Proposal with CHARLES RAY PORTER, JR., Austin, Texas, in the amount of \$9,000.00 to provide a price opinion including a comparative market analysis and range of estimated worth or sales price of the Capstone Water System.** Jeff Prato, City Engineer presented the agreement to Council. After some discussion by Council regarding the need for the opinion, Councilmember Haddock moved to not approve the proposal. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (7-0).

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on the recent award of the Government Finance Officers Association (GFOA) Excellence in Government Finance Award FY 2021/2022.

9. **EXECUTIVE SESSION**

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), and Pursuant to §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- **Consultation with City Attorney regarding the City's authority to regulate land use/mining activity**
- **Discussion with City Attorney regarding legal requirements associated with flood plain variances and discussion regarding acquisition of real property related to flood plain mitigation**

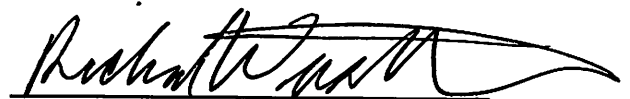
7:25 pm Council convened to Executive Session

8:25 pm Council returned to Open Session

10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action was taken.

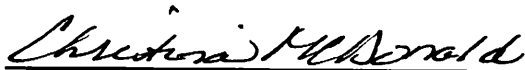
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the April 4 regular meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Haddock motioned to adjourn. Councilmember Morris seconded the motion. The meeting was adjourned at 8:26 pm.



Richard Westerman, Mayor

ATTEST:



Christina McDonald, TRMC
City Secretary